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Letter dated 28 December 2007 from the Permanent Representative of Slovakia to the United Nations addressed to the President of the Security Council

As you are aware, in February 2007, during its presidency of the Security Council, Slovakia initiated an open debate on the "Maintenance of international peace and security: role of the Security Council in supporting security sector reform", which was held on 20 February 2007. At that meeting, the Security Council adopted a presidential statement (S/PRST/2007/3), in which the Council acknowledged, inter alia, the contribution that non-United Nations actors, in particular regional, subregional and other intergovernmental organizations, can bring in supporting nationally-led security sector reform programmes.

The Organization for Security and Cooperation in Europe (OSCE) is undoubtedly among the major regional and subregional partners of the United Nations, including in the area of security sector reform. Consistent with Chapter VIII of the Charter of the United Nations and in the interest of complementing the evolving discussion on the United Nations role in security sector reform, OSCE has recently prepared and issued a document entitled "Chairmanship's perception paper on basic norms and principles of the Organization for Security and Cooperation in Europe in the field of security sector governance/reform".

Please find attached the above-mentioned OSCE document (see annex), which I believe is a very useful contribution to the ongoing discussion on security sector reform within the United Nations.

I should be grateful if you would have the present letter and its annex circulated among the members of the Security Council and issued as a document of the Security Council.

(*Signed*) Peter **Burian**
Ambassador Extraordinary and Plenipotentiary
Permanent Representative

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Annex to the letter dated 28 December 2007 from the Permanent Representative of Slovakia to the United Nations addressed to the President of the Security Council

Chairmanship's perception paper on the basic norms and principles of the Organization for Security and Cooperation in Europe in the field of security sector governance/reform

Based on the OSCE's concept of comprehensive and indivisible security seen from a cross-dimensional perspective,

Reflecting the acknowledgment by the UN Security Council of the contribution of regional intergovernmental organizations to security sector governance/reform (Statement by the President of the Security Council, S/PRST/2007/3*),

Emphasizing the OSCE's role as a regional organization under Chapter VIII of the UN Charter, complementing the evolving discussion on the UN's role in security sector reform,

Reaffirming all the previously agreed OSCE commitments to address common security concerns of participating States,

Recalling the valuable normative contribution made so far by the OSCE in the area of security sector reform/governance through the provisions of the Helsinki Final Act (1975), the Charter of Paris for a New Europe (1990) and the Charter for European Security (1999), the Copenhagen and Moscow Documents on the Human Dimension (1990–1991), the Code of Conduct on Politico-Military Aspects of Security (1994), the Vienna Document on Confidence- and Security-Building Measures (1999), the Document on Small Arms and Light Weapons (2000), the Bucharest Plan of Action for Combating Terrorism (2001), the OSCE Strategy to Address Threats to Security and Stability in the Twenty-First Century (2003) and the OSCE Border Security and Management Concept (2005),

Emphasizing that security sector reform/governance may play an essential role in a long-term process of peace-building, early warning, conflict prevention and resolution, crisis management and post-conflict rehabilitation, and thus represents an important confidence- and security-building measure,

Emphasizing further the OSCE's holistic and cross-dimensional approach to security and the CSCE/OSCE's vast experience accumulated over 30 years of existence and extensive practical involvement in security sector reform/governance, in particular in relation to activities such as democratic control of armed forces, confidence- and security-building measures, border security and management, counter-terrorism, anti-trafficking, police training and reform, anti-corruption, electoral legislation and judiciary reform and the rule of law,

Stressing the importance of issues relating to security sector reform/governance, which permeate the OSCE's three dimensional and cross-dimensional activities and which represent a major field of action crucial to the OSCE's relevance and credibility in the Eurasian area,

Confirming the participating States' commitment to promote measures consolidating the legal frameworks which govern the security sector under sustainable democratic and rule of law practices relating to the whole range of government activities,

Considering that inter-State co-operation in the overall field of security sector reform/governance contributes to addressing the threats of terrorism, organized crime, illegal migration, and the illicit trafficking in weapons, drugs and human beings, as identified in paragraph 35 of the OSCE Strategy to Address Threats to Security and Stability in the Twenty-First Century,

Confirming that the OSCE constitutes an appropriate political framework for that co-operation, and that its institutions can deliver useful services to requesting participating States, in a spirit of solidarity and partnership, also reflecting mutual interest and respect,

Considering this initiative as a contribution of the OSCE as a regional organization acknowledged by the Chapter VIII of the UN Charter to the UN–led efforts in developing the integrated UN approach towards security sector reform launched in February 2007 at the UN Security Council.

The Chairman-in-Office welcomes the elaboration of the attached OSCE basic norms and principles in the field of security sector governance/reform.

THE OSCE AND SECURITY SECTOR REFORM/GOVERNANCE: BASIC NORMS AND PRINCIPLES

1. **Introduction**

2. **Definition and normative approaches of security sector reform/governance**

3. **The OSCE's activities and norms concerning the security sector**

4. **Conclusions**

1. Introduction

In February 2007, the United Nations Security Council held an open debate on maintenance of international peace and security: role of the Security Council in supporting security sector reform. The open debate provided a timely opportunity to analyse the role of security sector reform in stabilization and reconstruction processes, linked with issues such as protection of human rights, respect for the rule of law, good governance and development.

As a result of the open debate on development of a comprehensive, coherent and co-ordinated approach by the international community, the Security Council adopted[1] the statement by its President on maintenance of international peace and security: role of the Security Council in supporting security sector reform (S/PRST/2007/3*).

The statement, *inter alia*, states that the Security Council acknowledges the contribution of regional intergovernmental organizations in supporting security sector reform. The statement is thus a call for relevant intergovernmental organizations to continue to be involved in security sector reform/governance activities.

The OSCE, as a regional organization acknowledged by Chapter VIII of the UN Charter, has been active in the field of security sector reform ever since it came into existence. Discussion within the OSCE, including the elaboration of an overview of activities related to security sector reform, is understood as a contribution by the OSCE to the UN-led efforts to develop an integrated UN approach to security sector reform.

[1] The UNSC President's statement was adopted unanimously.

2. Definition and normative approaches of security sector reform

2.1 Definition of the security sector

Since the 1990s, the lexicon of international relations has been enriched by a new concept, that of the "security sector". The concept serves to identify all actors (both military and non-military, public and private) which have the capacity to use force, as well as all the institutions which are involved in the management, oversight and delivery of security within the State. Under its broadest definition, it includes:

— Core security actors entitled to use force (armed forces, police, paramilitary forces, intelligence and security services, coast and border guards, customs authorities, etc.);

— Civil management and oversight bodies (the executive; ministries of defence, homeland security, finance and foreign affairs; national security advisory bodies; the parliament and its relevant committees, etc.);

— Justice and law enforcement institutions (the judiciary, justice ministry, prison services, etc.);

— Non-statutory security forces (private military and security companies, political party militias, private bodyguard units, etc.);

— Non-statutory civil society groups and organizations (political parties, the media, academia, NGOs including human rights organizations, etc).

2.1.1 Goals of security sector reform

Projects relating to security sector reform are undertaken to strengthen governance of the security sector, in terms of regulation, management, funding and oversight, i.e., to cope with bad governance, weak or absent enforcement capabilities, corruption and human rights violations. The aim is a security sector capable of delivering effective and legitimate security and justice functions fully consistent with the principles of democracy, good governance and the rule of law. Although there is no such thing as a universal blueprint or template, projects relating to security sector reform are expected to take into account a number of fundamental requirements:

— Respect for national ownership (context-driven projects involving the active participation of all representative segments of civil society);

— A holistic approach integrating all dimensions of security sector reform (including external and internal threats to human security) and acknowledging interlinkages with overall good governance;

— Long-term objectives, to be implemented in a sequenced and flexible way;

— Conformity with basic democratic values, internationally accepted principles, human rights and the rule of law;

— Co-ordination among intergovernmental organizations involved in endeavours relating to security sector reform.

2.1.2 General guidelines

With a view to ensuring policy coherence in matters related to security sector reform/governance and a harmonized approach to reform across the security sector, any reform should be consistent *mutatis mutandis* with such basic prerequisites as:

— Democratic legitimacy;

— Transparency (particularly in defence planning and budgeting processes);

— A clear-cut dividing line between internal and external security mechanisms, as well as between political and military leaders, without any "shadow" security structures;

— Accountability to civil oversight mechanisms and to the public (parliamentary and civil control of the military and of all security structures);

— Rule of law (impartial judiciaries, appropriate checks and balances between the legislative, executive and judicial branches of government, empowerment of civil society);

— Respect for human rights and fundamental freedoms;

— Professionalism and efficiency based on respect among the security forces and law enforcement officials for international humanitarian law and internationally accepted human rights standards, adherence to democratic principles, and technical proficiency of security forces to carry out core operational functions, including the legitimate use of force;

— Compliance of security sector actors with internationally recognized values and standards. Norms related to security sector reform currently reaffirm norms and principles of international security, as well as international human rights and humanitarian law, i.e., the basic values of democracy, security, the rule of law, development, etc.;

— Respect for the rights and duties of security sector actors (personnel of the armed forces, police and various law-enforcement bodies);

— Appropriate funding of the security sector (as a guarantee of functionality);

— National ownership of projects relating to security sector reform/governance.

2.1.3 Importance of security sector reform (SSR)

A functional security sector is generally characterized by professionalism; transparency of goals and activities; effective direction and management; and oversight by legally established constitutional civilian authorities (from the executive, legislative and judiciary), with effective participation by representatives of civil society. Since a dysfunctional security sector generates serious impediments to stability and peace, rule of law and sustainable development, security sector reform constitutes a concern of world-wide scope, especially for States in transition (from war to peace or from authoritarian rule to democracy), post-conflict countries, developing countries and even countries with mature democratic regimes.

Being directly linked to the capacity of the State to address threats affecting its security and to ensure the personal safety of its citizens, such reform represents a key component of the human security agenda.

Reflecting as it does the interlinkage of security with human rights and development, security sector reform is particularly relevant for conflict management, the protection of the rule of law and sustainable development.

Security sector reform may play an essential role at all stages of the conflict management cycle — early warning, conflict prevention and resolution, peace-making and peace-building and post-conflict rehabilitation.

First of all, it may potentially reduce the risk of armed violence in conflict-prone States.

Second, the constitution of an effective security sector (or its reconstruction) often emerges as an indispensable element in political reconciliation and conclusion of a final peace settlement within war-torn societies.

Third, security sector reform is an important element in strategies for building a sustainable peace in post-conflict settings, making it possible to prevent relapses into violent conflict; in addition, as a State with a dysfunctional security sector can constitute a destabilizing factor within its own region, security sector reform carried out at a regional level has the virtue of serving as a confidence-building measure.

An effective and truly democratic security sector provides an appropriate tool for protection of the rule of law and the prevention and combating of transnational security risks and threats such as terrorism, organized crime, trafficking of human beings, weapons, drugs, etc. In any event, a dysfunctional security sector not only hampers democratic developments, but can actually derail democracy.

It is today widely agreed that no sustainable development can be achieved without an effective State able to deliver core human security services to its own population.

2.2 Normative level

All the main intergovernmental institutions of the Euro-Atlantic area are currently active in security sector reform issues at both the normative and the operational levels.

At the normative level, the OSCE played a pioneering role through the adoption of the Code of Conduct on Politico-Military Aspects of Security (1994). The Euro-Atlantic partner organizations progressively followed suit:

OECD

The OECD's agenda on security sector reform focuses on developing and transition countries and is developed by its Development Assistance Committee (DAC). The OECD believes that a functional security sector is a precondition for effective conflict prevention, poverty reduction and development. The OECD uses the term "security system reform" to refer to the whole system of actors working on security-related issues, avoiding any misconception that it concerns only armed forces ("security sector").

The OECD defines security system reform as "the transformation of the 'security system' — which includes all the actors, their roles, responsibilities and actions — working together to manage and operate the system in a manner that is more consistent with democratic norms and sound principles of good governance, and thus contributes to a well-functioning security framework".

The OECD Development Assistance Committee (DAC) has been working on the development of the concept of security system reform since the late 1990s. In 1997, it carried out a review of the approaches taken by the members of the DAC to dealing with military issues, which linked a number of security issues to development concerns. The DAC then developed a conceptual framework for security assistance, entitled "Security Issues and Development Co-operation: A Conceptual Framework for Enhancing Policy Coherence." This subsequently led to the incorporation of key security concepts into the document "DAC Guidelines: Helping Prevent Violent Conflict, 2001". Security issues are also addressed in the "DAC Guidelines: Poverty Reduction, 2001".

In 2004, the DAC approved a key document related to security system reform, entitled "Security System Reform and Governance: Policy and Good Practice. DAC Guidelines". This document advances a holistic (whole-of-government) approach to security system reform and emphasizes the nexus between security and development. It is worth noting that OECD refers to security "system" rather than "sector". The guidelines constitute the only internationally agreed document on security system reform to date. In 2005, the OECD commissioned a new study, entitled "Implementation Framework for Security System Reform (IF-SSR)". The study develops implementation steps for each security sector component based on several case studies and best practice. In 2007, the DAC produced the "2007 Handbook on Security System Reform: Supporting Security Justice".

The European Union

In October 2005, the Council of the European Union adopted a "Concept for European Security and Defence Policy Support to Security Sector Reform". The EU Commission also produced a "Concept for European Community Support for Security Sector Reform" (May 2006). The two documents were bridged by an overarching "Policy Framework for Security Sector Reform" in the form of conclusions adopted by the European Council (General Affairs) on 12 June 2006. The EU is seeking to actively implement UN Security Council resolutions 1325 (2000) (women, peace and security) and 1612 (2005) (children and armed conflict) in its security system reform policy: All European security and defence policy missions include gender and human rights experts.

To be complete, mention should also be made of the Stability Pact for South Eastern Europe. The latter's Working Table III addresses topics related to security system reform, i.e., organized crime and corruption, migration and integrated border management, SALW and defence conversion.

NATO

The 1994 Framework Document of the Partnership for Peace committed the subscribing States to exchange information on steps to promote transparency in defence planning and budgeting, and to ensure the democratic control of armed forces. A few years later, the Working Programme of the Partnership for Peace for 2000–2001 gave salience to the "democratic control of forces and defence structures", which became specifically one of the current activities. The 2004 Partnership Action Plan on Defence Institution Building (PAP-DIB) led NATO to focus on issues such as capacity-building in the defence sector from the perspective of personnel management and budgeting and the possibility of offering technical assistance.

Council of Europe

As from the 1990s, the Parliamentary Assembly of the Council of Europe adopted several texts on the human rights of the professional staff of armed forces (Resolution 1166 of 22 September 1998 on human rights of conscripts, Resolution 903 of 30 June 1988 and Recommendation 1572 of 3 September 2002), control of internal security services (Recommendation 1402 of 26 April 1999) and democratic oversight of the security sector (Recommendation 1713 of 23 June 2005).

All those norms, whether those of a politically-binding nature produced by the OSCE or those issued by other organizations in the form of programmes of action, guidelines, best practices, etc., pertain to the category of soft law. No legally binding norms currently exist as regards security sector reform and security sector governance.

2.3 Operational level

The Euro-Atlantic organizations are currently involved in capacity-building projects within States in democratic transition, whether or not in a post-conflict setting (for the time being, no projects

concern well established democracies). The projects designed and implemented in the area mainly concern certain dimensions of security sector reform, namely:

— Reform and/or training of security forces;

— Reform and/or training of border and customs officials;

— Defence reform and support to the executive branch for planning, security policy development and management of institutions related to security sector reform;

— Parliamentary oversight of defence budgets;

— Justice reform.

Although aimed at supporting the security sector, these projects are rarely undertaken under the explicit label of security sector reform. More often than not, they are neither conceived from a cross-cutting perspective, nor implemented as part of a coherently oriented security sector reform agenda. The reason for that has to do with the general absence of a fully fledged security sector reform concept, except in the European Union, which developed a "policy framework" directly inspired from the OECD's approach and policy guidelines.

3. The OSCE's activities and norms concerning the security sector

Security sector reform/governance is a relevant issue for the OSCE, which considers that the security of States and that of their citizens are mutually reinforcing. Such issues clearly permeate all three OSCE's dimensional and cross-dimensional activities. Democratic conditions, good governance and the rule of law concern both the economic dimension and the human dimension. As far as the politico-military dimension is concerned, the functionality of the security sector is a decisive tool for confidence-building between States and for the success of peace-building activities: In the absence of good governance and the rule of law, there could be no effective transition to democracy and peaceful inter-State and intra-State relations. As the security sector is linked to effective government authority, strong democratic institutions based on the rule of law also contribute to the prevention and combating of transnational threats, risks and challenges such as organized crime, terrorism and illicit trafficking of all kinds. Consequently, strong democratic institutions based on the rule of law constitute a key element for the prevention of conflicts.

Over the years, the OSCE has adopted various documents that are directly relevant to the security sector. Among the most significant of them are the Helsinki Final Act (1975), the Charter of Paris for a New Europe (1990) and the Charter for European Security (1999), the Copenhagen and Moscow Documents on the Human Dimension (1990–1991), the Code of Conduct on Politico-Military Aspects of Security (1994), the Vienna Document on Confidence- and Security-Building Measures (1999), the Document on Small Arms and Light Weapons (2000), the OSCE Strategy to Address Threats to

Security and Stability in the Twenty-First Century (2003), the Bucharest Plan of Action for Combating Terrorism (2001) and the OSCE Border Security and Management Concept (2005).

The Organization has focused on various relevant aspects, such as the democratic control of armed forces, confidence- and security-building measures, border security and management, counter-terrorism, anti-trafficking, police training and reform, and the rule of law. At the same time, it is generally acknowledged that issues related to security sector governance underpin OSCE activities in all three dimensions of security and are of crucial importance for the consolidation of peace, stability, democracy and the market economy in the OSCE area.

3.1 Democratic control of armed forces

Security sector reform/governance is an evolving and unnegotiated concept and has the greatest potential for evolution. Its application is also subject to political constraints. Security sector reform takes a holistic approach in its understanding of the security sector and the actors that are involved in its oversight and monitoring. The OSCE Code of Conduct on Politico-Military Aspects of Security (1994, the Code), on the other hand, is less holistic than security sector reform; nevertheless, security sector reform/governance builds on the fundamentals of the Code and complements it.

The Code opened a new era in thinking about the relations between society and its various security forces. Politically binding in nature, the Code codified several inter-State and intra-State norms of behaviour, including a number of innovative provisions concerning the democratic control of armed forces.

The democratic control of armed forces represents an indispensable element of stability and security, while also being an important expression of democracy. In accordance with the Code (sections VII and VIII), the democratic control of armed forces requires:

— The primacy at all times of effective democratic constitutional civilian power over military power. This fundamental requirement (paragraph 21) is complemented by two other prescriptions: the political neutrality of armed forces (paragraph 23) and the prevention of "accidental or unauthorized use of military means" (paragraph 24);

— The transparency, publicity and restraint in defence and military expenditures (paragraph 22);

— The subjection of armed forces to the norms of international humanitarian law. This commits the participating States to promote at the national level (including within armed forces) a general knowledge of the obligations and commitments under international humanitarian law of war, as well as to incorporate these into their military training programmes and regulations (paragraph 29), to make sure that their armed forces personnel are individually responsible for actions at both the domestic and the international levels (paragraphs 30 and 31), and to ensure that armed forces are (both in peace and in war) commanded, manned, trained and equipped in ways that are consistent with the provisions of international humanitarian law (paragraph 34);

— The respect of the human rights and fundamental freedoms of the armed forces personnel. As service members are entitled to exercise their civil rights (paragraph 23) and to enjoy the standard human rights and fundamental freedoms embodied in OSCE documents and in international law (paragraph 32), the OSCE participating States are committed to reflect in legislative or other texts the rights and duties of armed forces personnel (paragraph 28), as well as to ensure the protection of these rights by means of legal and administrative procedures (paragraph 33). Furthermore, service personnel must be recruited and called up in a way consistent with their OSCE and other international human rights obligations and commitments, that is to say on the basis of equality of treatment and non-discrimination (paragraph 27);

— The consistency of defence policy and doctrine with international law related to the use of armed forces, including in armed conflict (paragraph 35);

— The democratic use of armed forces in the performance of internal security missions. Any decision to assign armed forces to internal security missions must be in conformity with constitutional procedures and provide that such missions will be performed under the effective control of constitutionally established authorities and subject to the rule of law, it being also understood that if recourse to force cannot be avoided, such use must be "commensurate with the needs for enforcement" and that the armed forces will take "due care to avoid injury to civilians" (paragraph 36). At the same time, the Code prohibits the use of force against "persons as individuals or as representatives of groups" — an expression wide enough to cover all individuals and groups living in the State, including persons belonging to a national minority and minority groups (paragraph 37).

Participating States report annually on their efforts to implement the Code of Conduct. The Forum for Security Co-operation (FSC) regularly assesses the implementation of the Code.

3.2 Confidence- and security-building measures

Security sector reform can give rise to confidence between States and has positive effects for CSBMs in various fields. In addition, confidence- and security-building measures facilitate the establishment of further security sector reform.

The OSCE has had long and successful experience of promoting transparency and trust among OSCE participating States through the establishment of agreements and documents on confidence- and security-building measures. One of the most important is the Vienna Document, which was adopted in its latest version in 1999.

The FSC has established a regular security dialogue to identify and analyse security threats and take co-ordinated action in response to them.

OSCE participating States recognize the destabilizing effect of the excessive accumulation and uncontrolled spread of small arms and light weapons, and have resolved to co-operate in addressing these problems in a comprehensive manner.

In concert with other international organizations, the OSCE is developing norms, principles and measures covering all aspects of the issue, including the manufacture, marking, tracing and storage of such weapons. Similarly, the OSCE offers assistance with the control or the elimination of surplus SALW and, at the request of a participating State, supports stockpile management and security programmes, training and confidential on-site assessments.

In this, the OSCE facilitates security sector reform by eliminating possible threats and challenges to international peace and security, while fostering transparency as well as confidence among participating States. In effectively addressing the problems arising from small arms and light weapons, the OSCE actively supports the UN Programme of Action to Prevent, Combat and Eradicate the Illicit Trade in Small Arms and Light Weapons in All its Aspects.

3.3 Border management and security

The OSCE's interventions in the field of border management and security aim at promoting best practices of humane border management, co-operation between national border services (i.e., in the sharing of migration information) and institutional reforms (including professionalization and demilitarization of border services). Since 1998, the OSCE has been performing a number of projects in several participating States.

The OSCE constitutes an appropriate political framework for co-operation on border management, and its institutions can provide useful services to requesting participating States, in a spirit of solidarity and partnership, also reflecting mutual interest and respect,. At the OSCE, border issues are tackled through a cross-dimensional and inter-institutional approach. At the request of participating States, the OSCE provides advice and assistance in the reform of the training system for border services.

Sound border management has been of the utmost importance to the participating States, *inter alia*, for: coping with new security challenges posed by transnational terrorism and organized crime involving illegal cross-border movement of persons, resources and weapons, as well as trafficking issues; ensuring a dignified and humane treatment of all individuals wanting to cross borders, in conformity with relevant national legal frameworks and human rights, refugee and humanitarian law; meeting the need for conflict prevention in potentially fragile zones and post-conflict management for stabilization purposes.

The issue of border management received new impetus after the 9/11 terrorist attacks. At the Maastricht Ministerial Council meeting (2003), the participating States adopted a Strategy to Address Threats to Security and Stability in the Twenty-First Century, paragraph 35 of which acknowledged the need to address challenges arising from the interconnection between terrorism and organized crime through, *inter alia*, the elaboration of an OSCE Border Security and Management Concept.

The OSCE Border Security and Management Concept proceeds from the basic recognition that border security and management is a matter of national sovereignty (paragraph 1). Each participating State has the sovereign right to choose how to secure and manage its borders, taking into account relevant political, military, economic and social considerations (paragraph 8). At the same time, it commits participating States to promoting open and secure borders in a free, democratic and more integrated OSCE area without dividing lines (paragraph 1). As it is assumed that border services have the best knowledge of the issues at hand, cross-border dialogue, transparency and confidence-building constitute the first logical steps towards generating solutions with added value to the benefit of all (paragraph 7).

The Concept identifies four main areas of co-operation: exchange of information, experience and best practices; establishment of "points of contact" and national focal points; holding of workshops and conferences; contacts and interaction with other intergovernmental organizations (paragraph 13), in accordance with the Platform for Co-operative Security (paragraph 14).

As a roadmap for national policies and a political framework for border co-operation, the following principles are applied:

— To respect international human rights, refugee and humanitarian law (paragraph 2.1), as well as OSCE norms, principles, commitments and values (paragraph 2.2);

— To ensure consistency in policies and standards at the regional and subregional levels (paragraph 2.3);

— To encourage direct co-operation between border services and other competent national structures, especially in respect of issues of a regulatory nature raised by cross-border movements (paragraph 4), at the bilateral, regional and multilateral levels;

— To base co-operation on the principles of international law, mutual confidence, equal partnership, transparency and predictability, and friendly relations between States (paragraph 1), and good neighbourly relations (paragraph 2.4);

— To promote the free and secure lawful movement of persons, goods, services and investments across borders (paragraph 4.1);

— To reduce the threat of terrorism (paragraph 4.2);

— To prevent and repress transnational organized crime, illegal migration, corruption, smuggling and trafficking in weapons, drugs and human beings (paragraph 4.3);

— To promote high standards in border services and competent national structures (paragraph 4.4);

— To promote dignified treatment of all individuals wanting to cross borders, in conformity with relevant national legal frameworks; international law, in particular human rights, refugee, and humanitarian law; and relevant OSCE commitments (paragraph 4.5);

— To create beneficial conditions for social and economic development in border territories, as well as for the prosperity and cultural development of persons belonging to all communities residing in border areas (paragraph 4.6);

— To foster prospects for joint economic development and help in establishing common spaces of freedom, security and justice in the OSCE area (paragraph 4.7);

— To ensure the security of the international transport circuit for supply of commodities (paragraph 4.8);

— To promote the issue of good governance, which is central to security sector reform/governance, through a provision encouraging the promotion of "high standards in border services and competent national structures" (paragraph 4.4);

— To foster compliance with border-related security and management standards recognized by the participating States, as well as their improvement, *inter alia*, based on sharing of good practices (paragraph 3).

3.4 Activities and norms related to the police

Democratic and effective policing is *inter alia* essential for upholding the rule of law and defending democratic institutions, as well as for preventing conflict, preserving stability during political crises and supporting post-conflict rehabilitation.

The greater inter-State co-operation in police-related activities can contribute to addressing new risks and challenges posed by transnational terrorism and organized crime, international terrorism, violent extremism, trafficking in drugs, arms and other forms as well as an excessive and destabilizing accumulation and an uncontrolled spread of small arms and light weapons.

The OSCE participating States realized the importance of monitoring local police activities in the framework of conflict management, in particular at the stage of post-conflict rehabilitation. Thus, in 1999, through paragraph 44 of the Istanbul Charter for European Security, the OSCE participating States decided to involve the OSCE in civilian police monitoring, police training (including for anti-trafficking purposes), community policing, the formation of multi-ethnic police, etc. They also acknowledged that the development of democratic and professional police forces could not take place in the absence of political and legal frameworks within which the police can perform their tasks in accordance with democratic principles and the rule of law — that is to say independent judicial systems able to provide remedies for human rights violations as well as advice and assistance for prison system reforms (paragraph 45). Subsequently, the Ninth Meeting of the Ministerial Council (Bucharest, 2001) decided to strengthen the capacities of the OSCE to provide technical assistance on

police matters to its participating States at their request. It also recommended the holding of regular meetings of police experts from national agencies and specialized universal and regional organizations (the first such meeting took place in Vienna in 2003). Finally, it tasked the Permanent Council with annually reviewing OSCE police-related activities on the basis of a special report to be submitted annually by the Secretary General.

By the end of 2002, a Strategic Police Matters Unit (SPMU) was established in the OSCE Secretariat. Headed by a Senior Police Adviser, the SPMU responds to requests from participating States for assessments of policing needs and planning. Its handful of experts are active in several field missions. Other institutions have also been active in that field: on the one hand, the High Commissioner on National Minorities (HCNM), in the form of a project on multi-ethnic policing in Kyrgyzstan launched in 2005; on the other hand, the Office for Democratic Institutions and Human Rights (ODIHR), which, through its Tolerance and Non-discrimination Programme, has conducted training events on combating hate crimes in Croatia, Hungary and Spain. The main OSCE Police Assistance Programme have taken place in the Caucasus (Armenia, Azerbaijan and Georgia), all the Central Asian republics except Turkmenistan, and South Eastern Europe (the former Yugoslav Republic of Macedonia, Croatia, Kosovo, Serbia, and Montenegro). They include police education and training, community policing and administrative and structural reforms.

In the field of police-related assistance, the OSCE now possesses a remarkable experience. Lessons learned and best practices are stored and accessible through the multilingual Policing OnLine Information System (POLIS), which offers a policing experts database, a digital library of policing resources, and an on-line donor co-ordination mechanism for international police assistance.

The SPMU's Guidebook on Democratic Policing (2006)

Issued under the authorship of the Senior Police Adviser to the OSCE Secretary General, the Guidebook offers a systematic and standardized compendium of the various and numerous existing standards, good principles and lessons learned in the field of police-related activities. The Guidebook addresses five sets of issues:

— Key principles of democratic policing, with special emphasis on the notion of public service and democratic objectives;

— Respect of the rule of law (definition of the role of the police and the functional interrelationships with the criminal justice sector);

— Ethics and human rights (corruption issues; discrimination issues; police investigations; support of victims and witnesses of crime; arrest and detention; maintenance of public order and safeguarding of democratic freedoms; use of force; cruel or degrading treatments);

— Accountability and transparency (oversight institutions; police-public partnership, including the media; community-based policing through outreach with minority communities and co-operation with civil society groups);

— Organizational and managerial issues (chain of command and operational autonomy; supervision; composition of the police; rights of police personnel; provision of adequate equipment and training).

In sum, the Guidebook defines the objectives of a democratic police, confirms the obligations arising out of the latter's commitment to the rule of law, stresses the role of ethics and human rights in police activities, articulates the basic requirements of accountability and transparency and, finally, addresses the practical resources necessary for democratic policing.

The HCNM's recommendations on policing in multi-ethnic societies (2006)

Framed in consultation with the SPMU, these recommendations address the sensible correlation between policing and inter-ethnic relations across the OSCE region — an issue acknowledged in the Istanbul Charter for European Security and subsequent Ministerial Council decisions. The recommendations are also in line with a commitment by the participating States, enshrined in paragraph 35 of the Copenhagen Document, to ensure "the right of persons belonging to national minorities to effective participation in public affairs". They represent a welcome complement to the SPMU's Guidebook, which, in Section IV.2, did include a brief item on "outreach to minority communities".

Like all the previous thematic guidelines issued by the HCNM, the 2006 recommendations aim to serve the ultimate goal of the HCNM: prevention of ethnic conflicts. Their main thrust is that good policing in multi-ethnic societies requires basic confidence, regular communication and practical co-operation between the police and minority groups. The document comprises 23 recommendations (with an accompanying explanatory note dealing with each of them), on the following key issues:

— Recruitment and representation;

— Training and professional development;

— Engagement with ethnic communities;

— Operational practices; and

— Prevention and management of conflict.

Recommendations specific to each category are to be interpreted in accordance with the three "General Principles" encouraging the participating States to develop relevant policies and laws.

3.5 Governance based on rule of law

Given that good governance is closely linked to democratic control and oversight, the rule of law and respect for human rights, the core values of the human dimension, are the same as those required by any significant security sector reform/governance.

Practical activities aimed at promotion of the rule of law (which underpins the OSCE's human dimension projects) are undertaken by the OSCE PA, ODIHR, the Representative on Freedom of the Media, the HCNM, the SPMU and the Office of the Special Representative and Co-ordinator for Combating Trafficking in Human Beings. Furthermore, the strengthening and/or creation of democratic institutions based on the rule of law is a common denominator among practically all of the OSCE field missions, whether established for conflict management purposes or for capacity-building in non-conflictual settings.

Admittedly, a large number of services delivered by the OSCE under the label of the rule of law concern the improvement of specific areas of the security sector. The following issues are of particular importance for security sector reform/governance: reform of the judiciary, reform of electoral legislation, media reform, national strategy against trafficking in human beings, promotion of gender equality and anti-corruption measures.

The concept of the rule of law is broadly defined in the Copenhagen Document of the Meeting of the Conference on the Human Dimension of the CSCE (1990). In accordance with paragraph 2, "the rule of law does not mean ... a formal legality which assures regularity and consistency in the achievement and enforcement of democratic order, but justice based on the recognition and full acceptance of the supreme value of the human personality and guaranteed by institutions providing a framework for its fullest expression". From that premise, it enumerates the basic rules that a true democratic society must respect:

— Pluralism with regard to political organizations (paragraph 3);

— Free elections held at reasonable intervals by secret ballot or by an equivalent free voting procedure (paragraph 5.1 and 6);

— Representative form of government in which the executive is accountable to the elected legislature or the electorate (paragraph 5.2);

— Compliance by the government and public authorities with the Constitution (paragraph 5.3);

— A clear separation between the State and political parties (paragraph 5.4);

— Activity of the government and the administration, as well as the judiciary, in accordance with the system established by law (paragraph 5.5);

— Military forces and the police under the control of, and accountable to, the civil authorities (paragraph 5.6);

— Human rights and fundamental freedoms guaranteed by law and in accordance with the obligations of international law (paragraph 5.7);

— Adoption of legislation by means of a public procedure, and its accessibility to everyone (paragraph 5.8);

— Equality and protection of all persons before the law, without any discrimination (paragraph 5.9);

— Effective means of redress against administrative decisions (paragraphs 5.10 and 5.11);

— Independence of judges and of legal practitioners, and impartial operation of the public judicial service (paragraphs 5.12 and 5.13);

— Right of any person arrested or detained on a criminal charge to be brought promptly before a judge and to be entitled to a fair and public hearing by a competent, independent and impartial tribunal established by law (paragraphs 5.14 to 5.17);

— No charge, trial or criminal conviction in respect of any criminal offence unless the offence is provided for by a law which defines the elements of the offence with clarity and precision (paragraph 5.18);

— Everyone to be presumed innocent until proven guilty according to law (paragraph 5.19).

Subsequent texts, such as the 1990 Charter of Paris for a New Europe (section on "Human Rights, Democracy and Rule of Law"), the 1991 Document of the Moscow Meeting of the Conference on the Human Dimension of the CSCE (paragraphs 18 to 22) and the Budapest Document 1994 of the CSCE Summit (Chapter VIII, paragraph 18) reaffirmed some of these principles with more or less nuance. However, it is notable that the Charter for European Security adopted at the Istanbul Summit of the OSCE in 1999 introduced a new element: the fight against corruption (paragraph 33).

The OSCE norms concerning the rule of law are enshrined in those basic documents, and are also developed in a number of specific decisions adopted by the Ministerial Council. Although not constituting norms, in the strict sense of the term, the recommendations contained in the consolidated summaries of the Human Dimension Implementation Meetings, Supplementary Human Dimension Meetings and Human Dimension Seminars provide some indication of the views of the majority of the participating States.

Under the rule law, in particular in the context of security sector reform, we should also consider the functioning of criminal justice systems. The Fourteenth Meeting of the Ministerial Council in

Brussels adopted a decision (MC.DEC/5/06) and a declaration (MC.DOC/4/06) on this subject. In terms of practical implementation, mention should be made of the UNODC/OSCE Criminal Justice Assessment Toolkit.

The ultimate, but implicit, aim of the OSCE's human dimension activities is good governance. The OSCE began to make current reference to the concept in 2001, in Decision No. 1 on combating terrorism, adopted by the Ninth Meeting of the Ministerial Council in Bucharest: one of the goals of the Action Plan annexed to the Decision refers to the economic and environmental issues that undermine security, namely "poor governance", in parallel with corruption, illegal economic activity, unsustainable use of natural resources, etc. (paragraph 13).

In the Strategy to Address Threats to Security and Stability in the Twenty-First Century (2003), the participating States confirmed that "Weak governance, and a failure by States to secure adequate and functioning democratic institutions that can promote stability, may in themselves constitute a breeding ground for a range of threats" (paragraph 4). The Strategy Document for the Economic and Environmental Dimension (Maastricht, 2003) stated that "Good governance at all levels contributes to prosperity, stability and security" (paragraph 2.2.1) and, hence, is of critical importance for all the participating States. As a consequence, the participating States agreed "to work on a national basis, with the support of relevant international institutions, to strengthen good governance in all its aspects and to develop methods of co-operation to assist each other in achieving it" (paragraph 2.2.2). Despite all this, there is as yet no OSCE global approach to good governance, or even any semblance of general norms of good governance.

4. Conclusions

1. Security sector reform/governance, as an essential element of a long-term peace-building process, is an important confidence- and security-building measure.

2. The CSCE/OSCE has accumulated over 30 years of experience with a holistic and cross-dimensional approach to security and extensive practical measures in security sector reform/governance, in particular in relation to activities such as democratic control of armed forces, border security and management, counter-terrorism, anti-trafficking, police training and reform, anti-corruption, electoral legislation and judiciary reform and the rule of law.

3. The OSCE has accumulated an impressive knowledge and experience in many areas of security sector reform/governance. While its approach to security is global and cross-dimensional, it addresses issues related to the security sector in a piecemeal manner.

4. The OSCE offers a forum for political negotiations and decision-making in the field of early warning, conflict prevention and resolution, crisis management and post-conflict rehabilitation, and has been active in the field of security sector reform/governance over the whole range of its activities and norms, through its network of field missions, which assist in the creation of viable democratic institutions and extend support for military, justice and police reforms.

5. The OSCE, like the other Euro-Atlantic organizations, addresses issues of security sector reform at both the operational and the normative levels.

6. In one way or another, the Organization's operational assistance projects currently target core security actors (armed forces and law-enforcement agencies), civil management and oversight bodies, and non-statutory civil society groups, in other words, all the major actors in the security sector.

7. Given their cross-cutting nature, the assistance projects involve a contribution from most of the OSCE's institutions and tools.

8. Assistance provided by the OSCE to governments includes training, institutional reform and capacity-building, as well as advice and support to civil society organizations.

9. Characterized by sheer pragmatism, OSCE assistance projects are conducted on a case-by-case basis without an overall design. They target some of the component areas of the security sector.

10. The OSCE can claim more operational achievements than normative achievements. The piecemeal approach used at the operational level also prevails at the normative level.

11. Democratic governance of the security sector underpins OSCE activities in all three dimensions of security, while also constituting an essential element of conflict management, especially at the level of peace-building.

12. The OSCE's contribution to the UN-led efforts towards developing an integrated approach to security sector reform further strengthens the OSCE's role as a regional organization under Chapter VIII of the UN Charter.

13. It might in the future be relevant for the OSCE to reflect its best practices and formal norms in a single text reaffirming its basic values, principles, commitments and standards, and recognizing the interlinkages among all the components of security sector reform/governance. Such a step would make it possible to address not only direct security sector concerns, but also germane issues related to the security sector, such as all forms of trafficking, terrorism, organized crime and corruption, as well as socio-economic and environmental threats and challenges.

United Nations S/2007/774

Security Council

Distr.: General
31 December 2007
English
Original: Arabic

Letter dated 28 December 2007 from the Permanent Representative of the Sudan to the United Nations addressed to the President of the Security Council

1. On the instructions of my Government, I should like to inform you, and through you the members of the Security Council, that the Government of Chad has once again, in an act of unjustified escalation, committed a criminal attack that contravenes the principles of good neighbourliness and the agreements signed between the two countries. Its land forces committed a grave violation of the borders of the Sudan while three Chadian warplanes bombed the regions of Rijl al-Harzaya and Karmuna, 56 km south-east of the city of El Geneina in West Darfur. This was on the morning of 28 December 2007, following a Chadian air attack in the middle of December specifically on the region of Karmuna, and also the well-known Chadian attack last April on the region of Khur Barnaqah, the details of which we conveyed to the Security Council in our letter dated 11 April 2007 addressed to the President of the Security Council following the penetration by Chadian forces into Sudanese territory, with a force composed of seven armoured vehicles and over 100 Land Cruisers, that resulted in the killing of a Sudanese officer and 16 Sudanese soldiers.

2. The Government of the Sudan views with extreme concern these repeated brutal Chadian attacks against the Sudan and its sovereignty and territorial unity under the cover of spurious accusations against my country that have proven false. It regrets that these dangerous developments come at a time when the Sudan is making great efforts in cooperation and coordination with our brothers in the Libyan Arab Jamahiriya and Eritrea with a view to helping Chad establish the foundations of security and stability in implementation of the Sirte peace agreement signed on 25 October 2007 between the Government of Chad and the armed opposition to it. It is the inability of the Government of Chad to abide by this agreement that has led to a renewed outbreak of fighting between the two sides there.

3. These blatant Chadian attacks are designed to undermine efforts for peace and stability in Darfur at a time when the Sudan continues to exercise self-restraint. They are nothing more than a blatant attempt to provide cover for Chad's continuing and open support for certain Darfurian rebel factions, as reflected by the recent hosting by the Government of Chad of a meeting of the Justice and Equality Movement in the Bahai region of Chad. At that meeting the aforementioned Movement obtained direct support from Chad which resulted in military activity that contributed to the deterioration of security conditions in that region at a time when the African Union and the United Nations were making positive efforts to strengthen

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the peace option and reinforce the peace process. Chad's fresh aggression, if not opposed with the necessary resoluteness, will hinder ongoing efforts for a political settlement and destabilize the country.

4. In bringing these blatant Chadian violations and aggressions to the attention of the Security Council, the Government of the Sudan wishes to reaffirm its commitment to good neighbourly policies and the agreements signed between the Sudan and Chad, in particular the Tripoli Agreement signed in February 2006. While my country's Government wishes the international community to know the truth about these repeated Chadian attacks, at the same time the Sudan reserves its right to respond and defend itself as guaranteed in the Charter of the United Nations.

5. Finally, I should be grateful if you would have this complaint circulated as a document of the Security Council.

(*Signed*) Abdalmahmood Abdalhaleem **Mohamad**
Permanent Representative of the Republic of the Sudan
to the United Nations

United Nations S/2007/775

Security Council

Distr.: General
31 December 2007

Original: English

Letter dated 26 December 2007 from the Chairman of the working group established pursuant to resolution 1566 (2004) addressed to the President of the Security Council

I have the honour to transmit herewith the report of the working group established pursuant to Security Council resolution 1566 (2004) (see annex). The report contains a summary of the activities of the working group in 2006 and 2007.

I would appreciate it if the present letter and its annex were to be brought to the attention of the members of the Security Council and issued as a document of the Security Council.

(*Signed*) Jorge **Voto-Bernales**
Chairman
Working Group established pursuant to resolution 1566 (2004)

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Annex

Report of the working group established pursuant to resolution 1566 (2004)

1. The Security Council adopted resolution 1566 (2004) on 8 October 2004. Under paragraph 9 of the resolution, the Council established a working group consisting of all members of the Security Council to consider and submit recommendations to the Council on practical measures to be imposed upon individuals, groups or entities involved in or associated with terrorist activities, other than those designated by the Al-Qaida/Taliban Sanctions Committee, including more effective procedures considered to be appropriate for bringing them to justice through prosecution or extradition, freezing of their financial assets, preventing their movement through the territories of Member States, preventing supply to them of all types of arms and related material, and on the procedures for implementing these measures.

2. In paragraph 10 of the resolution, the Security Council further requested the working group to consider the possibility of establishing an international fund to compensate victims of terrorist acts and their families, which might be financed through voluntary contributions, which could consist in part of assets seized from terrorist organizations, their members and sponsors, and submit its recommendations to the Council.

3. Upon agreement of the Security Council (see S/2006/7), Ambassador Oswaldo de Rivero, Permanent Representative of Peru to the United Nations, was appointed Chairman of the working group. Subsequently, upon agreement of the Security Council (see S/2007/20), Ambassador Jorge Voto-Bernales, Permanent Representative of Peru to the United Nations, was appointed Chairman of the working group.

4. Having achieved progress regarding the consideration of recommendations on practical measures to be imposed upon individuals, groups or entities involved in or associated with terrorist activities, other than those designated by the Al-Qaida/Taliban Sanctions Committee, as indicated in the previous report of the working group (S/2005/789), it was considered appropriate to focus the work of the working group on the other two topics set out in its mandate: the scope of the application of the practical measures; and the possibility of establishing an international fund to compensate victims of terrorist acts and their families.

5. At the meeting that took place on 28 April 2006 it was established that the positions that informed the working group in the writing of its previous report remain and that, therefore, the conditions to further advance the consideration of the substance of the above-mentioned topics were not present. Therefore, it was agreed to continue contacts through bilateral consultations. It was also agreed to follow the developments relating to the adoption of a "United Nations counter-terrorism strategy", inasmuch as this framework could provide elements related to the topics under the mandate of the working group.

6. As a result of bilateral consultations, it was confirmed that, regarding the two above-mentioned topics, the conclusions of the working group contained in its previous report are still valid. Therefore, regarding the scope of the application of the practical measures, the working group recalled paragraph 34 of its 2005 report,

in which it noted that, "owing to various reasons, including the lack of consensus, agreement was not reached on the expansion of the list of individuals, groups and entities involved in or associated with terrorist activities beyond the one already established under the Al-Qaida/Taliban Sanctions Committee". As regards the issue of the possibility of establishing an international fund to compensate victims of terrorist acts and their families, the working group recalled paragraph 32 of its 2005 report, in which it noted that, "owing to various reasons the resolution of questions about the establishment of a compensation fund for victims of terrorist acts at the international level was premature. While recognizing the importance of helping victims of terrorist acts, the working group recommended that the best approach for the time being was to encourage individual States to determine ways and means to extend assistance to victims of terrorist acts". There was also a general understanding that further work on these topics will be needed at a later stage.

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Security Council

Distr.: General
31 December 2007

Original: English

Letter dated 28 December 2007 from the Chairman of the Security Council Committee established pursuant to resolution 1521 (2003) concerning Liberia addressed to the President of the Security Council

I have the honour to transmit herewith the report of the Security Council Committee established pursuant to resolution 1521 (2003) concerning Liberia (see annex), which covers the Committee's activities during the period 1 January to 31 December 2007. The report is submitted in accordance with the note by the President of the Security Council dated 29 March 1995 (S/1995/234).

(*Signed*) Nassir Abdulaziz **al-Nasser**
Chairman
Security Council Committee established pursuant
to resolution 1521 (2003)

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Annex

Report of the Security Council Committee established pursuant to resolution 1521 (2003) concerning Liberia

I. Introduction

1. The present report of the Security Council Committee established pursuant to resolution 1521 (2003) concerning Liberia covers the period from 1 January to 31 December 2007. The web page of the Committee is available at www.un.org/sc/committees/1521/index.shtml.

2. For 2007, the Bureau consisted of Nassir Abdulaziz al-Nasser (Qatar) as Chairman, with the delegations of Indonesia and South Africa providing the Vice-Chairmen. During the reporting period, the Committee held nine informal consultations.

II. Background information

3. Previous sanctions regimes concerning Liberia were imposed by the Security Council by its resolutions 788 (1992) and 1343 (2001), respectively. In its resolution 1521 (2003), the Security Council decided to revise the legal basis of the sanctions to reflect the changed circumstances in Liberia, in particular the departure of former President Charles Taylor, the formation of the National Transitional Government of Liberia and progress with the peace process in Sierra Leone. Under resolution 1521 (2003), the Council dissolved the Committee established pursuant to resolution 1343 (2001) and established a new Committee to oversee the implementation of the measures as modified and reimposed by the same resolution: an arms embargo, restrictions on the travel of individuals designated by the Committee on the basis of the criteria contained in the resolution, and prohibitions on the import of rough diamonds and round logs and timber products originating in Liberia. Resolution 1521 (2003) also established a Panel of Experts consisting of up to five members, to provide the Committee with information regarding the implementation of the measures and progress made towards meeting the conditions for the lifting of sanctions. On 16 March 2004, the Committee issued a new travel-ban list, containing the names of individuals subject to travel restrictions imposed by paragraph 4 of resolution 1521 (2003).

4. By paragraph 1 of resolution 1532 (2004), the Security Council decided that, in order to prevent former Liberian President Charles Taylor, his immediate family members, senior officials of the former Taylor regime, or other close allies or associates designated by the Committee from using misappropriated funds and property to interfere in the restoration of peace and stability in Liberia and the subregion, all States would freeze without delay funds, other financial assets and economic resources owned or controlled directly or indirectly by Charles Taylor, Jewel Howard Taylor, Charles Taylor, Jr., and/or those other individuals designated by the Committee. On 14 June 2004, the Committee issued its initial list of individuals and entities subject to the measures contained in paragraph 1 of resolution 1532 (2004) (the assets-freeze list). By paragraph 5 of resolution 1532 (2004), the Security Council further decided that it would review the measures

imposed by paragraph 1 of the same resolution at least once a year; however, no expiration date for these particular measures was provided in the resolution.

5. A summary of the imposition and extension of the various sanctions measures (excluding the assets freeze) together with the mandates of the Panel of Experts is contained in the table below:

Security Council resolution number and date	*Arms embargo and travel ban extended for*	*Diamond sanctions extended for*	*Timber sanctions extended for*	*Panel of Experts established/ extended for*	*Document symbol of Panel's report*
Resolution 1521 (2003) 22 December 2003	12 months	12 months	12 months	5 months	S/2004/396 and Corr.1 and 2
Resolution 1549 (2004) 17 June 2004	n/a	n/a	n/a	6 months	S/2004/752 S/2004/955
Resolution 1579 (2004) 21 December 2004	12 months	6 months	12 months	6 months	S/2005/176 S/2005/360
Resolution 1607 (2005) 21 June 2005	n/a	6 months	n/a	6 months	S/2005/745
Resolution 1647 (2005) 20 December 2005	12 months	6 months	6 months	6 months	S/2006/379
Resolution 1689 (2006) 20 June 2006	n/a	6 months	n/a (not removed)	6 months	S/2006/976
Resolution 1731 (2006) 20 December 2006	12 months	6 months	n/a	6 months	S/2007/340
Resolution 1753 (2007) 27 April 2007	n/a	n/a (terminated)	n/a	n/a	n/a
Resolution 1760 (2007) 20 June 2007	n/a	n/a	n/a	6 months	S/2007/689
Resolution 1792 (2007)	12 months	n/a	n/a	6 months	

6. Notably, by its resolution 1683 (2006), the Security Council, welcoming the leadership of then newly elected President Ellen Johnson-Sirleaf and her efforts to restore peace, security and harmony throughout Liberia, modified the arms embargo to incorporate additional exemptions for the Liberian Special Security Service and, subject to advance approval by the Committee, for members of the Liberian police and security forces who have been vetted and trained since the inception of the United Nations Mission in Liberia (UNMIL) in October 2003.

7. By its resolution 1688 (2006), the Security Council decided that the travel restrictions imposed by resolution 1521 (2003) would not apply to former President Taylor for the purposes of any travel related to his trial before the Special Court for Sierra Leone, as well as any travel related to the execution of the judgment, and also to exempt from the travel ban the travel of any witnesses whose presence at the trial was required.

8. By its resolution 1689 (2006), the Council, concluding that sufficient progress had been made in meeting the conditions set out for terminating the measures on timber, decided not to renew the prohibitions on the import of round logs and timber products from Liberia; however, it also decided to review that decision after a period of 90 days and expressed its determination to reinstate the measures, unless forestry legislation as specified in the resolution had been passed. During the review, held on 20 October, the members of the Council concluded that there was no basis for reinstating those measures as otherwise stipulated in the resolution (see SC/8856).

9. By its resolution 1731 (2006), the Council, recognizing the need for newly vetted and trained Liberian security forces to assume greater responsibility for national security, and taking note of the need for Liberian armed forces to procure humanitarian, medical and/or training equipment, further modified the arms embargo to exclude supplies of non-lethal military equipment.

10. During the period under review, by its resolution 1753 (2007), the Council, concluding that sufficient progress had been made in meeting the conditions set out for terminating the measures on diamonds, decided to terminate those measures, almost two months ahead of their date of expiration as set by resolution 1689 (2006); however, it also decided to review the termination after consideration of the report of the Panel of Experts, as requested in paragraph 4 (d) of resolution 1731 (2006), and of the report of the Kimberley Process as encouraged in paragraph 2 of resolution 1753 (2007), with a particular focus on the compliance of Liberia with the Kimberley Process Certification Scheme. In a letter dated 3 May 2007, the Chairman of the Kimberley Process informed the Committee that Liberia was admitted to the Kimberley Process as of 4 May 2007.

11. The Committee considered the report of the Panel of Experts (S/2007/340) on 6 June 2007, and the Vice-Chairman briefed the Council on the discussion on 13 June, as part of the Council's review of the sanctions regime. He stated that a comprehensive review of the termination of the diamond sanctions would depend on the next report of the Kimberley Process. By a letter dated 14 September 2007 (S/2007/547) addressed to the President of the Council, the Chairman transmitted, for the information of members of the Council, two letters addressed to the latter by the Chairman of the Kimberley Process Certification Scheme, dated 7 May and 23 July 2007, respectively, which together constituted the report of the Kimberley Process as encouraged by the Council in paragraph 2 of resolution 1753 (2007).

12. By its resolution 1760 (2007), the Council requested the Secretary-General to establish a Panel of Experts consisting of up to three members, to provide the Committee with information regarding the implementation of the remaining measures (arms embargo, travel ban and assets freeze) and to assess the implementation of Liberia's forestry legislation of 2006 and compliance with the Kimberley Process Certification Scheme. The Council later extended the mandate of the Panel by resolution 1792 (2007) until 20 June 2008.

13. By its resolution 1792 (2007), the Council also decided that States would notify the Committee upon delivery of all arms and related materiel approved and supplied, in accordance with paragraph 2 (e) of resolution 1521 (2003).

14. In light of the adoption by the Security Council of resolution 1730 (2006), outlining the delisting procedure, the Committee, on 12 June 2007, adopted a

comprehensive set of guidelines for the conduct of its work, in compliance with that resolution. In this connection, in addition to incorporating the delisting procedure into its guidelines, the Committee also revised and consolidated its three separate ad hoc procedures relating to the updating and maintenance of the travel-ban list, the handling of requests for exceptions to the travel restrictions, and the application of the assets freeze; took into account the exemption from the travel restrictions provided under resolution 1688 (2006); and incorporated the existing procedures for the consideration of requests for exceptions to the arms embargo submitted under resolution 1683 (2006). The guidelines are available on the Committee web page.

III. Summary of the activities of the Committee

A. Requests for exceptions to the measures

15. During the reporting period, the Committee considered and approved one request, in accordance with paragraph 2 (e) of resolution 1521 (2003), for an exception to the arms embargo to enable the United States Government to ship arms and training materials for support of and use in a United States Government training programme for the Liberian armed forces (communication dated 14 March 2007 from the Chargé d'affaires a.i. of the United States Mission to the United Nations).

16. The Committee considered and approved three requests, in accordance with paragraphs 2 and 3 of resolution 1683 (2006), for exceptions to the arms embargo to: (a) enable the Government of China to donate and export weapons and equipment to Liberia for use by Chinese-trained Special Security Services personnel (communications dated 28 February and 7 May 2007 from the Special Representative of the Secretary-General for Liberia, transmitting a request and additional information from the Minister for Foreign Affairs of Liberia; and communication dated 16 March 2007 from the Permanent Representative of the People's Republic of China to the United Nations); (b) allow the United States Government to transfer ammunition that was originally provided to the Special Security Services under paragraph 2 (e) of resolution 1521 (2003) to the Liberian National Police (communication dated 17 May 2007 from the Permanent Representative of Liberia to the United Nations; and communication dated 17 May 2007 from the United States Mission to the United Nations); and (c) allow the United States Government to ship weapons and ammunition to Liberia to train and equip approximately 100 Special Security Services officers during the February to September 2008 time frame (communication dated 20 November 2007 from the United States Mission to the United Nations; and communication dated 7 December 2007 from the Permanent Representative of Liberia to the United Nations). In each case, in accordance with resolution 1683 (2006), the request for exception was submitted by both the Government of Liberia and the Government of the exporting State.

17. In accordance with paragraph 4 of resolution 1683 (2006), the Committee received regular reports (dated 1 November 2006 and 1 March, 2 May, 13 July and 1 October 2007) from UNMIL on its findings with respect to the inspections of inventories of weapons and ammunition obtained in accordance with paragraphs 1 and 2 of the resolution, to ensure that all such weapons and ammunition were accounted for.

18. The Committee also, on three occasions, decided that items proposed for export to Liberia did not fall under the scope of the arms embargo and therefore did not require the Committee's prior approval. By a communication dated 2 May 2007, the Special Representative of the Secretary-General for Liberia conveyed a request from the Government of Liberia for an exception to the arms embargo to permit the import of fireworks from China, details of which were provided through the Ambassador of China to Liberia, for use in the 26 July holiday celebrations. On the basis of the details provided and confirmation from UNMIL that the fireworks would not pose any security threat, the Committee decided that such fireworks did not fall under the scope of the arms embargo and therefore did not require prior approval for export to Liberia.

19. Similarly, in two separate letters dated 21 July and 31 October 2007, respectively, the Special Representative of the Secretary-General for Liberia conveyed requests from the Government of Liberia for exceptions to the arms embargo to permit the import of explosive materials to facilitate the repair and rehabilitation of Liberia's roads. In both cases, after receiving further technical information regarding the composition of the explosives, the Committee decided that the particular explosives in question did not fall under the scope of the arms embargo and therefore did not require prior approval for export to Liberia.

20. During the period under review, the Committee considered and approved one request, in accordance with paragraph 2 (f) of resolution 1521 (2003), for an exception to the arms embargo to allow the shipment to Liberia of non-lethal military equipment, for use in drilling boreholes to provide water in outlying villages. The request was submitted by the Permanent Mission of the United Kingdom of Great Britain and Northern Ireland, in a letter dated 30 May 2007.

21. The Committee considered nine requests for travel-ban waivers under paragraph 4 (c) of resolution 1521 (2003), of which three were granted. One of the requests, to which the Committee did not accede, was subsequently reconsidered, at the request of the listed individual, with the same outcome as before. In light of the adoption of resolution 1688 (2006), which exempted from the travel ban any witnesses whose presence would be required at the trial of former Liberian President Charles Taylor by the Special Court for Sierra Leone, the Committee sought, and received, the Special Court's agreement on how the Court would submit written notifications concerning the travel of those individuals. The notification procedure was agreed upon through an exchange of letters, dated 22 and 30 June 2007, respectively, between the Chairman of the Committee and the Acting Registrar of the Special Court.

22. The Committee was not in a position to consider a request submitted on behalf of a listed individual, who had earlier been granted a travel-ban waiver, for an exception to the assets freeze under paragraph 2 (a) of resolution 1532 (2004) in order to allow that individual to cover costs associated with his travel, on the grounds that the relevant State had not determined that the funds in question had to be unfrozen for payment of basic expenses in accordance with paragraph 2 (a), nor had it notified the Committee of its intention to authorize access to such funds.

23. The Committee received and approved two notifications, dated 4 April and 17 August 2007, respectively, from the Permanent Mission of Italy regarding the intention of the Italian Government to authorize access to hitherto frozen funds in

accordance with the exception set out in paragraph 2 (b) of resolution 1532 (2004), in order to cover certain expenses of an entity included on the assets-freeze list.

B. Review of the travel-ban and assets-freeze lists

24. During the reporting period, in accordance with past practice and procedure, the Committee held one periodic review of the travel-ban and assets-freeze lists, in April 2007, at which time it considered four delisting requests. One of these requests was submitted directly to the secretariat of the Committee at United Nations Headquarters; as in the past, the request was considered on the grounds that it had been submitted to "the nearest United Nations office" in the sense of the then Committee procedures. Another request was submitted by a non-governmental organization on behalf of the listed individual.

25. Following the adoption of a consolidated and revised set of guidelines by the Committee for the conduct of its work, on 12 June 2007, which incorporated the delisting procedure as per Security Council resolution 1730 (2006), the Committee considered, for the first time, a delisting request received from the focal point for delisting in connection with Ms. Grace Minor, on 9 October 2007. The Committee agreed to remove Ms. Minor from its travel-ban and assets-freeze lists on 28 November 2007 (see SC/9183).

26. In accordance with paragraph 6 (b) of the annex to resolution 1730 (2006), the Committee did not consider two delisting requests received from the focal point since the designating State did not support that request.

C. Implementation of the sanctions regimes

27. During the period under review, the Committee received no additional replies from States in response to its note verbale dated 20 January 2004; thus, the total number of replies received remains 17. Pursuant to paragraph 21 (b) of resolution 1521 (2003), the note verbale sought information from all States, particularly those in the subregion, about the actions they had taken to effectively implement paragraphs 2 (relating to the arms embargo), 4 (relating to the travel ban), 6 (relating to the diamond sanctions), and 10 (relating to the timber sanctions) of that resolution. (As noted above, the measures concerning timber were allowed to expire on 20 June 2006; the measures concerning diamonds were terminated on 27 April 2007.)

28. In its final report under resolution 1760 (2007), the Panel of Experts stated that, during the period of its mandate, it had not found any evidence of significant unauthorized transfers of weapons, ammunition or related material, or of non-approved provisions of military training to Liberia (see S/2007/689, para. 106). With respect to the travel ban, the Panel informed the Committee that authorities in the West Africa subregion had stressed the need for capacity-building for immigration officials who were in the front lines and played a role in identifying individuals at border crossings (see S/2007/689, para. 169).

29. The Committee received no additional replies from States in response to its note verbale of 14 June 2004; thus the total number of replies received remains 15. Pursuant to paragraph 4 (d) of resolution 1532 (2004), the note verbale sought information from all States regarding the actions they had taken to trace and freeze the funds, other financial assets and economic resources described in that resolution.

30. In its final report under resolution 1760 (2007), the Panel of Experts noted that the Government of Liberia had not made any progress towards the freezing of the assets of any individual or entity designated pursuant to resolution 1532 (2004) (see S/2007/689, para. 170). The Panel of Experts also reported that the Government of the Netherlands had frozen €1,487,785.90 and 30 items (not yet valued) of an individual inscribed on the assets-freeze list (see S/2007/689, para. 171).

31. By a letter dated 11 July 2007, the Permanent Representative of Nigeria informed the Committee that his country was taking all measures necessary to comply with resolutions 1521 (2003), 1532 (2004) and 1760 (2007). In connection with the last resolution, which established, for a period of six months, a Panel of Experts, the representative of Nigeria stated that his Government welcomed a visit to Nigeria by the experts to conduct their investigations, as requested earlier. The Panel visited Nigeria from 22 October to 30 October, where the Nigerian authorities informed the Panel that they were unable to find conclusive evidence of any funds, economic assets or investments made by former President Charles Taylor in Nigeria (see S/2007/689, paras. 174-178).

32. On 11 May 2007, in reply to a letter dated 18 April 2007 received from the Prosecutor of the Special Court for Sierra Leone, containing requests for information with respect to the application of the assets freeze, the Chairman wrote to the Prosecutor and provided the latter with some details and relevant excerpts from the reports of the Panel of Experts.

D. Other activities

33. During informal consultations on 16 February 2007, the Committee discussed the programme of work of the Panel of Experts, which the Council re-established by its resolution 1731 (2006). The Committee also heard, in accordance with paragraph 4 (d) of the same resolution, an informal update from the experts. At those same informal consultations, the Committee briefly discussed the issue of potential cooperation with Interpol pursuant to resolution 1699 (2006) and the subsequent exchange of letters between the Secretaries-General of the United Nations and Interpol.

34. During informal consultations on 13 April 2007, the Committee heard a briefing by a representative of the Kimberley Process secretariat, who led the Kimberley Process Certification Scheme mission to Liberia from 6 to 9 March 2007. That was the third time that the Kimberley Process had briefed the Committee. At those same informal consultations, the Committee considered the interim report of the Panel of Experts, submitted in accordance with paragraph 4 (d) of resolution 1731 (2006), on the diamond sector in Liberia. Following up on the discussion held on 16 February regarding potential cooperation with Interpol, members of the Committee also agreed to invite a representative of Interpol to brief the Committee at its next meeting.

35. On 18 April, pursuant to Security Council resolution 1731 (2006), by which the Council extended the prohibition against the import of rough diamonds from Liberia for a further period of six months, but also decided to review the diamond sanctions after four months, the Chairman briefed the Council on the activity and progress in the diamond sector in Liberia.

36. During informal consultations on 3 May 2007, the Committee members heard a briefing by and interacted with the Special Representative of Interpol to the United Nations on the subject of possible cooperation between the Committee and Interpol.

The Committee also discussed, and subsequently responded to, a letter dated 18 April 2007 from the Prosecutor of the Special Court for Sierra Leone, in which the Prosecutor sought information on the implementation of the assets freeze imposed by resolution 1532 (2004).

37. During informal consultations on 18 May 2007, the Committee heard a briefing by the Permanent Representative of Liberia to the United Nations, who had written to the Committee on 27 April seeking an opportunity to brief the Committee on some issues related to the travel ban and assets freeze component of the sanctions. At those same consultations the Committee considered draft comprehensive guidelines for the conduct of its work.

38. During informal consultations on 6 June 2007, the Committee considered the final report of the Panel of Experts under the mandate accorded to it by resolution 1731 (2006) (S/2007/340). The Committee also considered, once again, draft comprehensive guidelines for the conduct of its work; these were subsequently adopted on 12 June 2007. On 13 June, as part of the Council's sanctions review, the Vice-Chairman made a statement to the Council summarizing the Committee's activities and the Panel's presentation on its final report.

39. During informal consultations on 17 August 2007, the Committee discussed the programme of work of the Panel of Experts established pursuant to resolution 1760 (2007) with the experts. At informal consultations on 9 October, the Committee considered a delisting request received from the focal point for delisting, in accordance with the delisting procedure outlined in resolution 1730 (2006) and as incorporated into its guidelines.

40. At informal consultations on 5 and 12 December 2007, the Committee heard briefings from the Panel of Experts on its final report submitted pursuant to resolution 1760 (2007) (S/2007/689). On 14 December, as part of the Council's sanctions review, the Chairman briefed the Security Council on the main findings contained in the report and on the Committee's discussion of the report and its recommendations.

IV. Observations

41. Liberia continues to see important, positive developments. On 27 April 2007, the Security Council terminated the diamond sanctions. On 4 May, Liberia was admitted to membership in the Kimberley Process. Also with timber sanctions having been lifted in June 2006, Liberia's progress in these sectors demonstrate that Council decisions on Liberia continue to evolve to closely match progress on the ground, and have helped to spur further progress. Progress in the reform of the Liberian security sector, albeit gradual, continues; yet it is important that the Committee remain vigilant and liaise closely with UNMIL in monitoring developments in this regard.

42. The Committee has been working consistently to keep the travel-ban and assets-freeze lists up to date with the most recent information, including the delisting of one individual. Keeping the sanctions lists updated, including through listings and delistings, sends a key message to Liberia and the international community that the Committee is willing to revise its lists in the light of new developments.

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Security Council

Distr.: General
31 December 2007

Original: English

Letter dated 28 December 2007 from the Chairman of the Security Council Committee established pursuant to resolution 1132 (1997) addressed to the President of the Security Council

I have the honour to transmit herewith the report of the Security Council Committee established pursuant to resolution 1132 (1997) concerning Sierra Leone (see annex), which covers the Committee's activities during the period 1 January to 31 December 2007. The report is submitted in accordance with the note by the President of the Security Council of 29 March 1995 (S/1995/234).

(*Signed*) Nassir Abdulaziz **Al-Nasser**
Chairman
Security Council Committee established pursuant to
resolution 1132 (1997) concerning Sierra Leone

07-66356 (E) 070108

Annex

Report of the Security Council Committee established pursuant to resolution 1132 (1997) concerning Sierra Leone

I. Introduction

1. The present report of the Security Council Committee established pursuant to resolution 1132 (1997) of 8 October 1997 concerning Sierra Leone covers the period from 1 January to 31 December 2007.

2. For 2007, the Bureau consisted of Nassir Abdulaziz al-Nasser (Qatar) as Chairman, with the delegations of Congo and Panama providing the Vice-Chairpersons. During the reporting period, the Committee held one session of informal consultations.

II. Background information and summary of the work of the Committee

A. Background information

3. By its resolution 1132 (1997), the Security Council, determining that the situation in Sierra Leone, following the military coup of 25 May 1997, constituted a threat to international peace and security in the region, imposed a mandatory ban on the sale or supply by States to Sierra Leone of arms and related materiel as well as petroleum and petroleum products. By the same resolution, the Council also imposed travel restrictions on members of the military junta and adult members of their families, and decided to establish a Committee to oversee the implementation of the measures.

4. Subsequently, by its resolution 1156 (1998) of 15 March 1998, the Council lifted the oil embargo. By its resolution 1171 (1998) of 5 June 1998, the Council confirmed the removal of sanctions on the Government and reimposed the arms embargo on non-governmental forces, as well as the travel ban on leading members of the Revolutionary United Front (RUF) and of the former military junta. The Council also decided that States would notify all exports from their territories of arms or related materiel to Sierra Leone to the Committee established by resolution 1132 (1997), that the Government of Sierra Leone would mark, register and notify to the Committee all imports made by it of those items, and that the Committee would report regularly to the Council on notifications so received.

5. In its resolution 1306 (2000) of 5 July 2000, the Council decided, inter alia, that all States should, for an initial period of 18 months, prohibit the direct or indirect import of rough diamonds from Sierra Leone to their territory. In the same resolution, the Council also decided that diamonds controlled by the Government of Sierra Leone through the certificate of origin regime would be exempt from those measures. The prohibitions on diamonds not controlled by the certificate of origin regime were extended for additional periods of 11 months and 6 months, respectively, by resolutions 1385 (2001) of 19 December 2001 and 1446 (2002) of 4 December 2002.

6. On 5 June 2003, the President of the Security Council read out a statement to the press in which he noted, inter alia, that in light of the increased efforts of the Government of Sierra Leone to control and manage its diamond industry and ensure proper control over diamond-mining areas, as well as the Government's full participation in the Kimberley Process, the members of the Council had agreed not to renew the prohibition against the import of rough diamonds from Sierra Leone not controlled by the certificate of origin regime.

7. With the expiration of the diamond sanctions, the mandate of the Committee is once again wholly contained in resolution 1171 (1998), which refers to the requirement of reporting State/Government notifications of export/import of arms and related materiel to the Security Council, and to the tasks of the Committee in relation to the arms embargo and the travel ban, both of which are still in force.

8. To date, the travel ban list includes the names of 30 individuals designated as leading members of the former military junta in Sierra Leone, the Armed Forces Revolutionary Council (AFRC) or as leading members of RUF. The list was last revised on 20 September 2004, when 16 names were removed on the basis of information provided by the Government of Sierra Leone.[1]

B. Summary of the activities of the Committee

9. In a letter dated 25 July 2007, the Chairman informed the Permanent Representative of Sierra Leone that, before proceeding with a further review of the travel ban list, the Committee would like to take into account the views of the Government of Sierra Leone in connection with the travel ban or the individuals whose names were inscribed on the list. In a reply to the Committee dated 16 August 2007, the Chargé d'affaires, a.i. of the Permanent Mission of Sierra Leone to the United Nations assured the Committee that the Government would be in a position, in the next few months, to provide the Committee with further information and appropriate recommendations about the individuals whose names are still on the list and on the future of the travel ban measure. As of the writing of this report, no further communications have been received from the Government of Sierra Leone.

10. On 4 December 2007, the Committee held one session of informal consultations to consider three letters dated 16 November 2007 from the Registrar of the Special Court for Sierra Leone concerning issues related to the travel of individuals inscribed on the Committee's travel ban list to testify in the trial of former Liberian President Charles Taylor or for the enforcement of sentences handed down by the Special Court. In a reply dated 14 December 2007, the Chairman conveyed to the Registrar of the Special Court the procedures to be followed in the event any individuals included on the Committee's travel ban list would need to travel internationally for the enforcement of sentences handed down by the Special Court.

[1] The latest version of the travel ban list is available on the Committee's website at: http://www.un.org/sc/committees/1132/tblist.shtml.

11. Also during the informal consultations held on 4 December, Committee members discussed the possibility of the Security Council inserting a new exemption to the travel restrictions imposed by resolution 1171 (1998) into a future resolution concerning Sierra Leone, in order to facilitate the travel of listed individuals to The Hague in order to testify in the trial of former Liberian President Charles Taylor. Subsequently, on 21 December 2007, the Security Council adopted resolution 1793 (2007), by which it decided to exempt from the travel restrictions the travel of any witnesses whose presence at the trial is required.

12. The Committee considered and approved one request for a waiver from the travel restrictions imposed by resolution 1171 (1998). The request, transmitted in a letter dated 22 March 2007 from the Chargé d'affaires, a.i. of the United States Mission to the United Nations, was submitted in order to allow an individual inscribed on the travel ban list to travel to the United States of America in order to participate in legal proceedings in that country.

C. Violations and alleged violations of the sanctions regime

13. During the reporting period, no violations or alleged violations of the sanctions regime were brought to the attention of the Committee.

III. Observations

14. In the light of both the security situation in Sierra Leone, which was described in the fifth report of the Secretary-General on the United Nations Integrated Office in Sierra Leone as stable but fragile (S/2007/704), and the presidential and parliamentary elections of 11 August 2007, which were considered to be largely peaceful, transparent and credible, the Chairman encourages members of the Committee and the Security Council to continue consultations to determine the appropriate time to streamline the legal basis for sanctions in Sierra Leone. While recognizing that any revision of the sanctions measures would fall under the purview of the Security Council, the Chairman notes that one contribution that the Committee could make towards having an up-to-date sanctions regime is to ensure that the travel ban list established pursuant to resolution 1171 (1998) reflect as closely as possible the current situation in Sierra Leone. The Committee awaits the views of the Government of Sierra Leone in this connection, after which it hopes to undertake a review of the list to that end.

United Nations S/2007/778

Security Council

Distr.: General
31 December 2007

Original: English

Letter dated 31 December 2007 from the Chairman of the Security Council Committee established pursuant to resolution 1718 (2006) addressed to the President of the Security Council

I have the honour to transmit herewith the report of the Security Council Committee established pursuant to resolution 1718 (2006) (see annex), which covers the Committee's activities from 1 January to 31 December 2007. The report is submitted in accordance with the note by the President of the Security Council of 29 March 1995 (S/1995/234).

(*Signed*) Marcello **Spatafora**
Chairman
Security Council Committee established
pursuant to resolution 1718 (2006)

07-66350 (E) 100108

Annex

Annual report of the Security Council Committee established pursuant to resolution 1718 (2006)

I. Introduction

1. The present report of the Security Council Committee established pursuant to resolution 1718 (2006) covers the period from 1 January to 31 December 2007.

2. For 2007, the bureau consisted of Marcello Spatafora (Italy), with the delegations of Ghana and Peru providing the two Vice-Chairmen.

3. Since its inception, the Committee has been meeting with such frequency as necessary to carry out its duties effectively. During the reporting period, the Committee held 14 sessions of informal consultations at the expert level and one formal meeting. In discharging its mandate the Committee was guided by paragraph 12 of Security Council resolution 1718 (2006).

II. Background

4. The Committee was established in accordance with rule 28 of the provisional rules of procedure of the Security Council, to undertake the following tasks:

(a) To seek from all States, in particular those producing or possessing the items, materials, equipment, goods and technology referred to in paragraph 8 (a) of resolution 1718 (2006), information regarding the actions taken by them to implement effectively the measures imposed by paragraph 8 of the resolution and whatever further information it may consider useful in this regard;

(b) To examine and take appropriate action on information regarding alleged violations of measures imposed by paragraph 8 of the resolution;

(c) To consider and decide upon requests for exemptions set out in paragraphs 9 and 10 of the resolution;

(d) To determine additional items, materials, equipment, goods and technology to be specified for the purpose of paragraphs 8 (a) (i) and 8 (a) (ii) of the resolution;

(e) To designate additional individuals and entities subject to the measures imposed by paragraphs 8 (d) and 8 (e) of the resolution;

(f) To promulgate guidelines as may be necessary to facilitate the implementation of the measures imposed by the resolution;

(g) To report at least every 90 days to the Security Council on its work, with its observations and recommendations, in particular on ways to strengthen the effectiveness of the measures imposed by paragraph 8 of resolution 1718 (2006).

III. Summary of the activities of the Committee

5. Owing to keen interest of Member States outside the Council, as well as many represented on the Council, the Committee addressed the issue of implementing paragraph 8 (a) (iii) of resolution 1718 (2006) concerning the ban on the export of luxury goods to the Democratic People's Republic of Korea. In this connection, on

21 February 2007 the Committee addressed a letter to Member States clarifying that any definition of luxury goods as might be necessary for Member States to implement the provision would be the national responsibility of individual Member States. The Committee also reaffirmed that the measures contained in paragraph 8 (a) (iii) were consistent with the objectives of the resolution and were not intended to restrict the supply of ordinary goods to the wider population of the country or to have a negative humanitarian impact on the Democratic People's Republic of Korea. The Committee referred Member States to national reports submitted pursuant to paragraph 11 of resolution 1718 (2006) as cases of national definitions and implementation with respect to luxury goods.

6. In letters dated 15 March 2007, the Committee replied to communications received from the International Air Transport Association and the Permanent Mission of Uganda to the United Nations, which had sought guidance on specific cases of cooperation with the Government of the Democratic People's Republic of Korea after the adoption of resolution 1718 (2006).

7. On 20 June 2007, at a formal meeting, the Committee adopted guidelines for the conduct of its work. This document — which was transmitted to all States for their information and use, as necessary, and was posted on the Committee's webpage (www.un.org/sc/committees/1718) — serves as a tool to guide the work of the Committee and to facilitate the implementation of the measures imposed by the Security Council in its resolution 1718 (2006).

8. In accordance with its mandate, the Committee continued the process of determining additional items, materials, equipment, goods and technology to be specified for the purpose of paragraphs 8 (a) (ii) of the resolution, and of adjusting the lists contained in documents S/2006/814, S/2006/815 and S/2006/853 and Corr.1, through the consideration of amendments proposed by the members of the Committee. No decision has been taken in this regard.

9. In paragraph 11 of its resolution 1718 (2006) the Security Council called upon all Member States to report to the Council within 30 days of the adoption of the resolution on the steps they had taken with a view to implementing effectively the provisions of paragraph 8 of the resolution. By 31 December 2007, the Committee had received reports from 71 countries and one organization (European Union), concerning the implementation of the resolution. Replies are issued as official documents of the Committee under the series S/AC.491 (see appendix to the present annex) and are also accessible electronically on the United Nations Official Document System and on the Committee website, unless a State requests that its reply be kept confidential.

10. In paragraph 12 (e) of its resolution 1718 (2006), the Security Council decided to mandate the Committee to designate additional individuals and entities subject to the measures imposed by paragraphs 8 (d) and 8 (e) of the resolution, i.e., targeted financial sanctions and travel ban, respectively. During the reporting period, the Committee has received no requests for designation on the basis of the criteria contained in the two subparagraphs referred to above.

IV. Conclusions and observations

11. While affirming that the primary responsibility for implementing the provisions of resolution 1718 (2006) rests with States, the Committee when requested stands ready to facilitate implementation of those provisions. The Committee continues this cooperation with Member States and/or relevant organizations upon receiving specific requests in this regard.

Appendix

Reports received pursuant to paragraph 11 of Security Council resolution 1718 (2006)

Member State or organization	*Document symbol*	*Date of communication*
Australia	S/AC.49/2006/1	10 November 2006
Canada	S/AC.49/2006/2	13 November 2006
United Kingdom of Great Britain and Northern Ireland	S/AC.49/2006/3	13 November 2006
Denmark	S/AC.49/2006/4	30 November 2006
Liechtenstein	S/AC.49/2006/5	13 November 2006
Czech Republic	S/AC.49/2006/6	13 November 2006
Finland (on behalf of the European Union)	S/AC.49/2006/7	13 November 2006
Republic of Korea	S/AC.49/2006/8 S/AC.49/2006/8/Add.1	13 November 2006 12 January 2007
Singapore	S/AC.49/2006/9	13 November 2006
Japan	S/AC.49/2006/10	13 November 2006
United States of America	S/AC.49/2006/11	13 November 2006
France	S/AC.49/2006/12	13 November 2006
Russian Federation	S/AC.49/2006/13 S/AC.49/2006/13/Add.1	13 November 2006 1 June 2007
Slovakia	S/AC.49/2006/14	14 November 2006
Hungary	S/AC.49/2006/15	14 November 2006
New Zealand	S/AC.49/2006/16	15 November 2006
Finland	S/AC.49/2006/17	13 November 2006
Slovenia	S/AC.49/2006/18	14 November 2006
Marshall Islands	S/AC.49/2006/19	16 November 2006
Belarus	S/AC.49/2006/20	16 November 2006
China	S/AC.49/2006/21	15 November 2006
Sweden	S/AC.49/2006/22	16 November 2006
Cuba	S/AC.49/2006/23	13 November 2006
Romania	S/AC.49/2006/24	14 November 2006

Member State or organization	*Document symbol*	*Date of communication*
Cyprus	S/AC.49/2006/25	16 November 2006
Poland	S/AC.49/2006/26	16 November 2006
Belgium	S/AC.49/2006/27	17 November 2006
Sri Lanka	S/AC.49/2006/28	20 November 2006
Thailand	S/AC.49/2006/29	20 November 2006
Argentina	S/AC.49/2006/30 S/AC.49/2006/30/Add.1	22 November 2006 5 February 2007
Bulgaria	S/AC.49/2006/31 S/AC.49/2006/31/Add.1	28 November 2006 7 February 2007
Italy	S/AC.49/2006/32	28 November 2006
Germany	S/AC.49/2006/33	30 November 2006
Switzerland	S/AC.49/2006/34	30 November 2006
Brazil	S/AC.49/2006/35	10 November 2006
Spain	S/AC.49/2006/36	29 November 2006
Portugal	S/AC.49/2006/37	30 November 2006
Albania	S/AC.49/2006/38	1 December 2006
The former Yugoslav Republic of Macedonia	S/AC.49/2006/39	6 December 2006
South Africa	S/AC.49/2006/40	7 December 2006
Panama	S/AC.49/2006/41	14 December 2006
Malta	S/AC.49/2006/42	12 December 2006
Latvia	S/AC.49/2006/43	19 December 2006
Peru	S/AC.49/2006/44	21 December 2006
Mexico	S/AC.49/2006/45	22 December 2006
Estonia	S/AC.49/2006/46	22 December 2006
Austria	S/AC.49/2007/1	28 December 2006
Serbia	S/AC.49/2007/2	9 January 2007
Indonesia	S/AC.49/2007/3	10 January 2007
Qatar	S/AC.49/2007/4 S/AC.49/2007/4/Add.1	10 January 2007 14 May 2007
Lithuania	S/AC.49/2007/5	15 January 2007

Member State or organization	*Document symbol*	*Date of communication*
Greece	S/AC.49/2007/6	11 December 2006
Netherlands	S/AC.49/2007/7	14 December 2006
Philippines	S/AC.49/2007/8 S/AC.49/2007/8/Add.1	22 January 2007 14 February 2007
Viet Nam	S/AC.49/2007/9	19 January 2007
Kyrgyzstan	S/AC.49/2007/10	19 January 2007
United Arab Emirates	S/AC.49/2007/11	23 January 2007
Ukraine	S/AC.49/2007/12 S/AC.49/2007/12/Add.1	19 January 2007 23 May 2007
Guatemala	S/AC.49/2007/13	6 February 2007
Turkey	S/AC.49/2007/14	9 February 2007
Pakistan	S/AC.49/2007/15	11 January 2007
Kuwait	S/AC.49/2007/16	17 January 2007
Croatia	S/AC.49/2007/17	20 February 2007
Jordan	S/AC.49/2007/18	20 February 2007
Bahrain	S/AC.49/2007/19	28 February 2007
Kazakhstan	S/AC.49/2007/20	26 February 2007
Mongolia	S/AC.49/2007/21	5 March 2007
Maldives	S/AC.49/2007/22	8 March 2007
India	S/AC.49/2007/23	20 February 2007
Israel	S/AC.49/2007/24	19 April 2007
Algeria	S/AC.49/2007/25	15 May 2007
Saudi Arabia	S/AC.49/2007/26	26 June 2007